

REMARKS

In response to the Final Office Action dated November 16, 2006, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-4, 6-12, 14-28, and 30-33 were pending in the application, of which Claims 1, 10, 18, and 26 are independent. In the Final Office Action, Claims 1, 10, and 26 were objected to and Claims 1-4, 6-12, 14-28, and 30-33 were rejected under 35 U.S.C. §103(a). Following this response, Claims 1-4, 6-12, 14-28, and 30-33 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. **Objection to the Claims**

In the Final Office Action dated November 16, 2007, the Examiner objected to Claims 1, 10, and 26 as containing various informalities. Claims 1, 10, and 26 have been amended to address these informalities and do not narrow the claimed subject matter. In Claim 1, "...unavailable an if ..." was changed to "... unavailable and if ..." per the Examiner's suggestion. In Claims 10 and 26, "... matches the subscriber wireless number ..." was changed to "...matches a subscriber wireless number ..." and "... wherein the a directory ..." was changed to "... wherein a directory ..." per the Examiner's suggestion. Applicants respectfully submit that the amendments overcome this objection and add no new matter.

II. Rejection of Claims 1-4, 6-12, 14-17, 26-28, and 30-32 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 1-4, 6-12, 14-17, 26-28 and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,963,864 ("O'Neil") in view of U.S. Pat. No. 6,694, 004 ("*Knoerle*"). In addition, as an alternate rejection, the Examiner rejected Claim 18 as being unpatentable over O'Neil in view of *Knoerle*. Applicants respectfully traverse this rejection. *Knoerle* qualifies as potential prior art only under 35 U.S.C. § 102(e). In addition, the subject matter of *Knoerle* and the presently claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same entity: BELLSOUTH INTELLECTUAL PROPERTY CORPORATION. The assignment of *Knoerle* was recorded in the USPTO on April 5, 2001, on Reel 011674, Frame 0084. The assignment of the present case was recorded in the USPTO on September 24, 2001, on Reel 012193, Frame 0735. Accordingly, 35 U.S.C. § 103(c) applies, thus this rejection Claims 1-4, 6-12, 14-18, 26-28 and 30-32 under 35 U.S.C. § 103(a) is improper. Applicants respectfully request withdrawal of this rejection of Claims 1-4, 6-12, 14-18, 26-28 and 30-32.

III. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Final Office Action, the Examiner rejected Claims 18-25 and 33 under 35 U.S.C. § 103(a) as being unpatentable over O'Neil in view of U.S. Pat. No. 6,606,508 ("*Becker*"). Claim 18 has been amended, and Applicants respectfully submit that the amendment overcomes this rejection and adds no new matter.

Amended Claim 18 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "wherein when the identifier associated with the calling party does not match the identifier of the wireless terminal the wireless terminal is deemed available." Support for the amendment can be found in the specification at least on page 15, lines 10-13.

Consistent with embodiments of the invention, if an SCP determines that a service is activated, the SCP may determine whether a calling party number matches a subscriber wireless number (i.e., a directory number for a wireless unit), that may be stored in an SCP database. (See specification, page 15, lines 10-13.) If the numbers match, then the SCP may send an `authorize_termination` message to a CO switch to route a call to a landline telephone without additionally forwarding the call to a subscriber's wireless telephone unit. (See specification, page 15, lines 13-15.) Because this contingency may correspond to a subscriber calling home from the subscriber's wireless telephone, the need to additionally ring the subscriber's wireless telephone may be obviated. (See specification, page 15, lines 15-19.)

In contrast with the aforementioned recitation from Claim 18, and as stated by the Examiner, *O'Neil* at least does not disclose a service control point for determining if the calling party number matches the subscriber wireless number, and storing the directory number for the wireless terminal and when the calling party number does not match the wireless number the wireless terminal is deemed available. (See Office Action, page 6, lines 10-19.) Consequently, *O'Neil* does not disclose aforementioned recitation from Claim 18.

Furthermore, *Becker* does not overcome *O'Neil's* deficiencies. *Becker* merely discloses placing different numbers in different groups and then associated different ring tones with the different groups. (See FIG. 1 and FIG. 2.) *Becker* is directed to solving the problem of there being no distinction between numbers as regards to call reception. (See col. 1, lines 15-17.) In *Becker*, as a call arrives at a mobile station, a network provides a caller's number. (See col. 2, lines 23-24) The mobile station checks whether the caller's number is included in a group. (See col. 2, lines 24-25) If the caller's number, in *Becker*, belongs to the group, a ringing tone is generated according to the group. (See col. 2, lines 27-30) If the caller's number does not belong to any group, a standard ringing tone is generated. (See col. 2, lines 30-31) Consequently, because there is no reason for a user to have a distinctive ring tone when the user is calling the user's own number, *Becker* does not disclose including, for example, the user's own wireless terminal number in any of the groups. Accordingly, like *O'Neil*, *Becker* at least does disclose a service control point for determining if the calling party number matches the subscriber wireless number and storing the directory number for the wireless terminal, and when the calling party number does not match the wireless number the wireless terminal is deemed available.

Combining *O'Neil* with *Becker* would not have led to the claimed invention because *O'Neil* and *Becker*, either individually or in combination, at least do not disclose "wherein the identifier of the wireless terminal of the subscriber is stored in a service control point, wherein when the calling party number does not match the wireless number the wireless terminal is deemed available," as recited by amended Claim 18.

Accordingly, independent Claim 18 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 18.

Dependent Claims 19-25 and 33 are also allowable at least for the reasons described above regarding independent Claim 18, and by virtue of their dependency upon independent Claim 18. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 19-25 and 33.

IV. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
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